

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RANGA BRAHMAMDAM, M.D.,
Plaintiff,
vs.

TRIHEALTH, INC, et al.,
Defendants

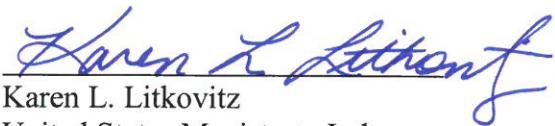
Case No. 1:19-cv-152
Dlott, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff initiated this employment discrimination action in February 2019, alleging claims under 42 U.S.C. § 1981, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, 29 U.S.C. § 626, 42 U.S.C. § 1985, and state law. (Doc. 1). On July 3, 2019, plaintiff filed an amended complaint, to which defendants Trihealth G, LLC and Trihealth, Inc. filed a joint answer. (Docs. 8, 9). On September 24, 2019, defendants Trihealth G, LLC and Trihealth, Inc. filed a motion for judgment on the pleadings. (Doc. 17). Thereafter, the Court granted plaintiff's motion to file a second amended complaint. (Doc. 26). On February 24, 2020, defendants Trihealth G, LLC and Trihealth Inc. filed an answer to the second amended complaint. (Doc. 30). Plaintiff's second amended complaint supersedes the first amended complaint and is the "legally operative complaint" in this matter. *Scuba v. Wilkinson*, No. 1:06-cv-160, 2006 WL 2794939, at *2 (S.D. Ohio Sept. 27, 2006) (citing *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir. 2000)).

Accordingly, it is **RECOMMENDED** that defendants Trihealth G, LLC and Trihealth, Inc.'s motion for judgment on the pleadings (Doc. 17) be **DENIED** as **MOOT**.

Date: 2/27/2020


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).